

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUSTAVO GARCIA,

Defendant.

Case No. 24-cr-00226-9 BLF (NC)

DETENTION ORDER

Hearing: 5/20/2024

In accordance with the Bail Reform Act, 18 U.S.C. § 3142, the Court on May 20, 2024, held a detention or release hearing for defendant Gustavo Garcia. The Court concluded that Garcia must be detained due to a risk of danger to the community, as explained further below.

Garcia is charged is charged by Indictment in a multi-defendant racketeering conspiracy in violation of 18 U.S.C. § 1962(d). He is presumed innocent of the charges; entered a not guilty plea; and nothing in this order may be construed as evidence of his guilt. Garcia was advised of his rights and appeared at the hearing with his appointed counsel, Hanni Fakhoury. The prosecution was reminded of the Crime Victims Rights Act and the AUSA, Amani Floyd, stated that no crime victim wished to present any information to the Court in connection with the detention or release decision.

1 The parties and the Court were assisted by pre-bail reports prepared by Pretrial
2 Services. Dkt. Nos. 37, 93. Pretrial Services recommended detention based on danger to
3 the community.

4 Based on the information presented to the Court and considering all the factors set
5 forth in 18 U.S.C. § 3142(g), the Court determined that the prosecution has shown by more
6 than clear and convincing evidence that there is no combination of conditions that will
7 reasonably assure the safety of the community if Garcia is released. (As to risk of non-
8 appearance, the Court agreed with Pretrial Services and determined that the risk of non-
9 appearance can be mitigated by a combination of conditions; the defendant has significant
10 and long-term familial ties in the district; is a new father; bail resources; and no failures to
11 appear.) The facts underlying this conclusion are Garcia's criminal history, especially a
12 2019 conviction for assault with a deadly weapon, with force; gang involvement; substance
13 abuse history; criminal activity while under supervision; and the nature and weight of the
14 evidence on the present charge, particularly the overt acts of violence charged against
15 Garcia.

16 The defendant is committed to the custody of the Attorney General or his designated
17 representative for confinement in a corrections facility separate, to the extent practicable,
18 from persons awaiting or serving sentences or being held in custody pending appeal. The
19 defendant must be afforded a reasonable opportunity for private consultation with defense
20 counsel. On order of a court of the United States or on the request of an attorney for the
21 Government, the person in charge of the corrections facility must deliver the defendant to a
22 United States Marshal for the purpose of an appearance in connection with a court
23 proceeding.

24 IT IS SO ORDERED.

25 Date: May 20, 2024

26 
Nathanael M. Cousins
United States Magistrate Judge